

Amendments to the Claims

This listing of claims will replace all prior versions, and listings, of claims in the application:

1-3 (canceled)

4. (currently amended) A DNA construct comprising a DNA molecule and transcriptional and translational regulatory sequences operably linked to the DNA molecule, the ~~An isolated~~ DNA molecule being capable of transcription to a nontranslatable messenger RNA which is modified from a form encoding that does not translate to a nucleocapsid protein of an L serogroup *Tospovirus* so that it does not translate to the nucleocapsid protein, wherein, when the DNA construct molecule is transformed into a plant cell, ~~it the DNA molecule is capable of being~~ transcribed into the nontranslatable messenger RNA which exists at low level density readings of 15-50 as measured using a scanner and image analysis program Hewlett ScanJet and Image Analysis Program.

5. (currently amended) ~~A~~ The DNA construct molecule according to claim 4, wherein the L serogroup *Tospovirus* is selected from the group consisting of TSWV-10W and TSWV-BL.

6. (currently amended) A recombinant DNA expression system comprising an expression vector into which is inserted the DNA construct ~~a heterologous DNA molecule~~ according to claim 4.

7. (currently amended) A plant cell transformed with the DNA construct ~~a heterologous DNA molecule~~ according to claim 4.

8. (currently amended) A transgenic plant ~~containing~~ transformed with the DNA construct molecule according to claim 4.

9. (currently amended) A method of treating a plant cell comprising: transforming a plant cell with ~~a~~ the DNA construct molecule according to claim 4 and

transcribing the DNA molecule under conditions effective to maintain the messenger RNA in the plant cell at low level density readings of 15-50, as measured using a scanner and image analysis program the Hewlett ScanJet and Image Analysis Program, wherein the plant cell acquires resistance to an L serogroup *Tospovirus*.

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10-18. (canceled)

19. (new) The method according to claim 9 wherein the L serogroup *Tospovirus* is TSWV-10W or TSWV-BL.